

# Exhibit A



**DR. RICHARD IZQUIERDO HEALTH & SCIENCE CHARTER SCHOOL**

DUARNA OLLER, BOARD CHAIR

ANTHONY LOPEZ, CEO

September 23, 2013

**Via Email**

Service Delivery Deadline Extension Request  
Schools and Libraries Division - Correspondence Unit  
30 Lanidex Plaza West  
P.O. Box 685  
Parsippany, NJ 07054-0685

Re: Service Delivery Deadline Extension Request for BEN 16057648, with associated FRNs 2209847 (from Form 471 813343)

Dear Sir or Madam:

We write to request a service delivery deadline extension for FRN 2209847. The required information is as follows:

Requested Information	Response
Billed Entity Number	16057648
Applicant Name	Dr. Richard C. Izquierdo Health and Science Charter School
Contact Person Name	Paul Le
Contact Person Mailing Address	342 East 119 <sup>th</sup> St., Suite 3A New York, NY 10035
Contact Person Phone Number	347.772.8553
Contact Person Email Address	<a href="mailto:erate@charterschoolincubator.org">erate@charterschoolincubator.org</a>
Form 471 Application Number	813343
Funding Request Number (FRN)	2209847
Service Provider Name	Network Outsource, Inc.
Service Provider Identification Number	143024572
Reason for Service Delivery Deadline Extension Request	<p><b>The applicant requests an extension because the service provider will be unable to complete delivery and installation for reasons beyond the service provider's control.</b></p> <p>The applicant is a charter school that when fully grown, will serve grades 6 through 12. Per its charter, the school adds one grade level each year until it reaches its full size in FY2016. As of FY2013, the school has added only grades 6 through</p>



**DR. RICHARD IZQUIERDO HEALTH & SCIENCE CHARTER SCHOOL**

DUARNA OLLER, BOARD CHAIR

ANTHONY LOPEZ, CEO

	<p>9, and needs another 3 years to complete its enrollment</p> <p>The applicant had estimated when submitting its request that it would have occupied all of the necessary space by the service delivery deadline of September 30, 2013. However, with the potential to expand into additional classrooms and offices, it seeks an extension because it has learned that in addition to the 20 classrooms and offices it received in FY2013, the school will receive an additional 5 classrooms and offices each year for the next 3 years for a total of 15 more classrooms and offices by FY2016.</p> <p>The school anticipates that FRN 2209847 should address many of the school's network infrastructure needs and kindly requests a service delivery deadline extension to allow time to fully use all of the monies provided.</p>
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Thank you for your consideration of this request. Please do not hesitate to contact me at [erate@charterschoolincubator.org](mailto:erate@charterschoolincubator.org) or (347) 772-8553.

Sincerely,

Paul Le  
Consultant

# Exhibit B

**Administrator's Decision on Implementation Extension Request**

January 20, 2014

Paul Le  
Charter School Incubator  
342 East 119th Street  
Suite 3A  
New York, NY 10035

2011-12

12a

12

FCC Form 471 Application Number: 813343  
Funding Request Number(s): 2209847  
Your Correspondence Dated: September 23, 2013

After thorough review and investigation of all relevant facts, the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") has made its decision in regard to your implementation extension request. This letter explains the basis of USAC's decision.

Decision on Appeal: **Approved**

Since you have established circumstances beyond your named service provider's control that prevent you from meeting the established deadline for the delivery and installation of non-recurring services, you are granted an extension in accordance with the FCC Report and Order (FCC 01-195) released on June 29, 2001. The last date to deliver and install the non-recurring service(s) is **September 30, 2014**. While invoices should be submitted as soon as possible, the last allowable date to postmark an invoice for this non-recurring service(s) is **January 28, 2015**. The invoice should be submitted in accordance with the instructions on the Schools and Libraries web site ([www.usac.org/sl/](http://www.usac.org/sl/)).

Please note that recurring services covered by this FRN must have been received during the course of regular program year, **July 1, 2011 through June 30, 2012**.

In order to process invoices, a valid FCC Form 486 must be submitted by the FCC Form 471 applicant.

In order to process eventual invoices on the non-recurring services, we will also require the applicant on the above-referenced FCC Form 471 to file a FCC Form 500 to amend the contract expiration date to **September 30, 2014**. Such extension of the contract expiration date must be in accordance with state and local procurement laws and the terms of the original contract.

We thank you for your continued support, patience, and cooperation during the request review process.

# Exhibit C



**DR. RICHARD IZQUIERDO HEALTH & SCIENCE CHARTER SCHOOL**

DUARNA OLLER, BOARD CHAIR

ANTHONY LOPEZ, CEO

September 29, 2014

**Via Express Mail**

Service Delivery Deadline Extension Request

SLD Forms

Attn: Form 500

3833 Greenway Drive

Lawrence, KS 66046

Re: Service Delivery Deadline Extension Request for BEN 16057648, with associated FRNs 2209847 (from Form 471 813343)

Dear Sir or Madam:

We write to request a service delivery deadline extension for FRN 2209847. The required information is as follows:

Requested Information	Response
Billed Entity Number	16057648
Applicant Name	Dr. Richard C. Izquierdo Health and Science Charter School
Contact Person Name	Paul Le
Contact Person Mailing Address	342 East 119 <sup>th</sup> St., Suite 3A New York, NY 10035
Contact Person Phone Number	347.772.8553
Contact Person Email Address	<a href="mailto:erate@charterschoolincubator.org">erate@charterschoolincubator.org</a>
Form 471 Application Number	813343
Funding Request Number (FRN)	2209847
Service Provider Name	Network Outsource, Inc.
Service Provider Identification Number	143024572
Reason for Service Delivery Deadline Extension Request	<p><b>The applicant requests an extension because the service provider will be unable to complete delivery and installation for reasons beyond the service provider's control.</b></p> <p>The applicant is a charter school that when fully grown, will serve grades 6 through 12. Per its charter, the school adds one grade level each year until it reaches its full size in FY2016. As of FY2014, the school has added only grades 6 through 10, and needs another 2 years to complete its enrollment. The school occupies two floors in a New York City Department of Education public</p>



**DR. RICHARD IZQUIERDO HEALTH & SCIENCE CHARTER SCHOOL**

DUARNA OLLER, BOARD CHAIR

ANTHONY LOPEZ, CEO

	<p>school building, which it shares with two other high schools, and must annually negotiate for extra classrooms and offices to meet its students needs.</p> <p>The applicant had estimated when submitting its request that it would have occupied all of the necessary space by the service delivery deadline of September 30, 2014.</p> <p>However, negotiations have continued as Izquierdo will fully house 700 students in FY2016. It seeks an extension because in addition to the 20 classrooms and offices it received in FY2013, the school will receive an additional 5 classrooms and offices each year for the next 2 years for a total of 15 more classrooms and offices by FY2016.</p> <p>Because these classrooms still remain occupied by other high schools in the building, the school's vendor cannot complete the cabling work necessary to install wireless access points, drops, and phones in rooms the school will occupy at full growth. In the summer of 2015, the school will request access to complete cabling in all planned classrooms.</p> <p>The school anticipates that FRN 2209847 should address all of the school's network infrastructure needs and kindly requests a service delivery deadline extension to allow time to fully use all of the monies provided.</p>
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Thank you for your consideration of this request. Please do not hesitate to contact me at [erate@charterschoolincubator.org](mailto:erate@charterschoolincubator.org) or (347) 772-8553.

Sincerely,

Paul Le  
Consultant

FCC Form 500  
**DO NOT STAPLE**

Do Not Write In This Area

OMB Control No. 3060-0853  
Estimated time per response:  
1.5 hours**Universal Service for Schools and Libraries  
Funding Commitment Adjustment Request Form****Please read instructions before completing.**

(To be completed by schools, libraries or consortia.)

Applicant's Form Identifier: 2011-Ext-NO (Create your own code to identify THIS FCC Form 500)	FCC Form 500 Application Number: (To be assigned by administrator.)
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**Block 1: Applicant Information**

1. Name of Billed Entity Dr. Richard C. Izquierdo Health and Sciences Charter School		2. Billed Entity Number 16056748	3. Funding Year 2011
4. Complete Mailing Address of Billed Entity Street Address, P. O. Box or Route Number			
800 Home Street		City Bronx	State NY
		Zip Code 10456	
Telephone Number 718.378.0490	Fax Number 718.378.0492	Email Address mzapata@healthscienceschool.org	
5. Contact Person Information			
Contact Person Name Paul Le			
Mailing Address Street Address, P. O. Box or Route Number			
342 East 119th St., Suite 3A		City New York	State NY
		Zip Code 10035	
Telephone Number 347.772.8553	Fax Number 347.620.7291	Email Address erate@charterschoolincubator.org	

**Type of Adjustment (Check all that apply)**☒ **Block 2: Services Adjustment**☐ **Block 4: Equipment Transfer Notification**☐ **Block 3: Cancellation or Reduction of an FRN**

**DO NOT STAPLE**Billed Entity Name Izquierdo Health & Sciences C.S. Contact Name Paul LeBilled Entity Number 16056748 Contact Telephone Number 347.772.8553 Page 2**Block 2: Services Adjustment**

**Remember: The Funding Request Number(s) (FRNs) listed on this form must be for the same Funding Year as listed in Block 1, Item 3.**

**New Service Start Date:** Complete if you wish to change the Service Start Date you listed on a previously filed FCC Form 486 in the funding year listed in Block 1, Item 3. This action will NOT increase funding.

**Contract Expiration Date:** Complete if the contract expiration date has changed and you wish to report the change to USAC. This action will NOT increase funding but you could combine it with a funding reduction.

**Service Delivery Extension:** Complete if you are requesting an extension of the deadline for delivery and installation of non-recurring services. You must submit this request to USAC on or before the September 30 following the close of the funding year. This action will NOT increase funding. **Note:** Complete the Contract Expiration Date (Item 7) also if your contract will expire prior to the installation or delivery of services.

**6. Service Start Date**

FCC Form 471	FRN(s)	Original Date (mm/dd/yyyy):	New Date (mm/dd/yyyy):

**7. Contract Expiration Date**

FCC Form 471	FRN(s)	Original Date (mm/dd/yyyy):	New Date (mm/dd/yyyy):
813343	2209847	2/1/15	2/1/16

**Make as many copies of this page as needed, and number the completed pages so that they are all processed correctly. Please number your pages 2A, 2B, 2C, etc. and provide the number in space provided in Block 2.**

**8. Service Delivery Extension Request**FCC Form 471  
813343FRN  
2209847

Certify the reason for the service delivery and installation request by checking one of the boxes below:

- ☐ The service provider was unable to complete delivery and installation for reasons beyond the service provider's control.
- ☐ The service provider has been unwilling to complete delivery and installation after USAC withheld payment for those services on a properly-submitted invoice for more than 60 days after submission of the invoice.

**DO NOT STAPLE**

Billed Entity Name Izquierdo Health & Sciences C.S. Contact Name Paul Le  
 Billed Entity Number 16056748 Contact Telephone Number 347.772.8553 Page 3

**Block 3: Cancellation or Reduction of an FRN**

**Remember: The FRNs listed on this form must be for the same Funding Year as listed in Block 1, Item 3.**

**Cancel:** Complete if you wish to cancel an FRN. This action is irrevocable and the FRN cannot be reinstated later. This action would allow money to be put back into the Universal Service Fund for possible commitment to other applicants.

**Reduce:** Complete if you wish to reduce the amount of your funding commitment for a particular FRN. This action is irrevocable and the FRN cannot be increased later. This action would allow money to be put back into the Universal Service Fund for possible commitment to other applicants.

**Make as many copies of this page as needed, and number the completed pages so that they are all processed correctly. Please number your pages 3A, 3B, 3C, etc. and provide the number in space provided in Block 3**

**9. Cancel FRN**

FCC Form 471	FRN (s) (list individually)	Write in "CANCEL ALL" below if you wish to cancel all FRNs on FCC Form 471

**10. Reduce FRN**

FCC Form 471	FRN(s)	Original Commitment Amount from FCDL	New Commitment Amount AFTER Reduction

**DO NOT STAPLE****Billed Entity Name** Izquierdo Health & Sciences C.S. **Contact Name** Paul Le**Billed Entity Number** 16056748 **Contact Telephone Number** 347.772.8553 **Page 4****Block 4: Equipment Transfer Notification****Remember: The FRNs listed on this form must be for the same Funding Year as listed in Block 1, Item 3.**

- 11. Equipment Transfer:** Complete this section if you are transferring equipment from a closed entity to other eligible entities within three years of the date of purchase. Both the transferring and receiving entities must maintain detailed records documenting the transfer and the reason for the transfer for at least five years (or whatever retention period is required by the rules in effect at the time of this certification).

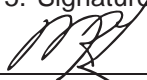
**Make as many copies of this page as needed, and number the completed pages so that they are all processed correctly. Please number your pages 4A, 4B, 4C, etc. and provide the number in space provided in Block 4**

FCC Form 471		FRN
Closed Entity Number		Closed Entity Name
Purchase Date	Transfer Date	Transfer Reason
<input type="checkbox"/> Check here if transfer is temporary. Enter projected return date _____		
List all entities receiving the equipment. Receiving Entity(s) Number(s)	Receiving Entity Name (s)	Equipment Received Equipment name, make and model

**DO NOT STAPLE**Billed Entity Name Izquierdo Health & Sciences C.S. Contact Name Paul LeBilled Entity Number 16056748 Contact Telephone Number 347.772.8553**Block 5: Certification**

12. I certify that I am authorized to submit this form on behalf of the above-named billed entity, that I have examined this request, and that, to the best of my knowledge, information, and belief, all statements of fact contained herein are true.
13. I understand that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the services receive an appropriate share of benefits from those services.
14. I will retain for at least five years (or whatever retention period is required by the rules in effect at the time of this certification), after the last day of delivery of discount services (or after the date of transfer for equipment transfers), (1) any and all records that I rely upon to complete this form and (2) all documents necessary to demonstrate compliance with the statutory or regulatory requirements for the schools and libraries universal service support program. I recognize that I may be audited pursuant to this application and the applicant must produce such records as required by 47 C.F.R. § 54.516.

15. Signature



16. Date

9/30/14

17. Printed name of authorized person

Paul Le

18. Title or position of authorized person

Consultant

19. Telephone number of authorized person

347.772.8553

20. Email address of authorized person

erate@charterschoolincubator.org

21. Address of authorized person

342 East 119th Street, Suite 3A, New York, NY 10035

22. Name of Authorized Person's Employer

None

**FCC NOTICE FOR INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT**

Part 54 of the Commission's Rules authorizes the FCC to collect the information on this form. Failure to provide all requested information will delay the processing of the application or result in the application being returned without action. Information requested by this form will be available for public inspection. Your response is required to obtain the requested authorization.

The public reporting for this collection of information is estimated to range from 1 to 1.5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the required data, and completing and reviewing the collection of information. If you have any comments on this burden estimate, or how we can improve the collection and reduce the burden it causes you, please write to the Federal Communications Commission, AMD-PERF, Paperwork Reduction Act Project (3060-0853), Washington, DC 20554. We will also accept your comments regarding the Paperwork Reduction Act aspects of this collection via the Internet if you send them to [PRA@fcc.gov](mailto:PRA@fcc.gov). PLEASE DO NOT SEND YOUR RESPONSE TO THIS FORM TO THIS ADDRESS.

Remember - You are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060-0853.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, PUBLIC LAW 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3) AND THE PAPERWORK REDUCTION ACT OF 1995, PUBLIC LAW 104-13, OCTOBER 1, 1995, 44 U.S.C. SECTION 3507.

**A paper copy of this form, with an authorized signature in Block 5, Item 15 should be mailed to:**

**SLD Form 500  
P. O. Box 7026  
Lawrence, KS 66044-7026**

**If sent by express delivery services or U.S. Postal Service, Return Receipt Requested, the form should be mailed to:**

**SLD Forms  
ATTN: Form 500  
3833 Greenway Dr.  
Lawrence, KS 66046  
888-203-8100**

# Exhibit D

**Administrator's Decision on Implementation Extension Request**

January 16<sup>th</sup>, 2015

Paul Le  
Charter School Incubator  
342 East 119th St., Suite 3A  
New York, NY 10035

RE: DR. RICHARD IZQUIERDO HEALTH AND SCIENCE CHARTER SCHOOL

FCC Form 471 Application      813343  
Number:  
Funding Request Number(s):    2209847

Your Correspondence Dated:    September 30, 2014

After thorough review and investigation of all relevant facts, the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") has made its decision in regard to your implementation extension request. This letter explains the basis of USAC's decision. The date of this letter begins the 60-day time period for appealing this decision. If your request included more than one FRN, please note that for each FRN you may receive a separate determination letter.

Decision on Request:    **Denied in full**

Explanation: Current deadline guidelines and procedures do not allow approval for the reason submitted.

In accordance with the FCC Report and Order (FCC 01-195) released on June 29, 2001, the Administrator may grant an extension of time for the implementation of non-recurring services if the implementation is delayed for circumstances beyond the named service provider's control. You have been unable to establish such circumstances.

**TO APPEAL THIS DECISION**

If you wish to appeal a decision in this letter to USAC, your appeal must be received by USAC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and email address for the person who can most readily discuss this appeal with us.

2. State outright that your letter is an appeal. Include the following to identify the USAC decision letter (e.g., FCDL) and the decision you are appealing:
  - appellant name
  - applicant and service provider names, if different than appellant
  - applicant BEN and service provider SPIN
  - **<insert application or form number>** as assigned by USAC
  - Funding Request Number(s) (FRNs) you are appealing if provided in the letter
  - **<insert name of the letter and funding year - both are located at the top of the letter>** AND
  - the exact text or the decision that you are appealing.
3. Please keep your letter to the point and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.
4. If you are the applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are the service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

We strongly recommend that you use one of the electronic filing options. To submit your appeal to USAC by email, email your appeal to [appeals@sl.universalservice.org](mailto:appeals@sl.universalservice.org) or submit your appeal electronically by using the "Submit a Question" feature on the USAC website. USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to us by fax, fax your appeal to (973) 599-6542.

To submit your appeal to us on paper, send your appeal to:

Letter of Appeal  
Schools and Libraries Division - Correspondence Unit  
30 Lanidex Plaza West  
PO Box 685  
Parsippany, NJ 07054-0685

For more information on submitting an appeal to USAC, please see "Appeals" in the "Schools and Libraries" section of the USAC website.

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Schools and Libraries Division  
Universal Service Administrative Company

cc: Adam M. Mahoney, Network Outsource, Inc.

# Exhibit E



**DR. RICHARD IZQUIERDO HEALTH & SCIENCE CHARTER SCHOOL**

DUARNA OLLER, BOARD CHAIR  
ANTHONY LOPEZ, CEO

March 17, 2015

**Via E-Mail**

Schools and Libraries Program Correspondence Unit

Letter of Appeal

30 Lanidex Plaza West

PO Box 685

Parsippany, NJ 07054-0685

Re: Appeal of Administrator's Decision dated January 16, 2015 denying Implementation Extension Request for BEN 16057648, with associated FRNs 2209847 (from Form 471 813343)

Dear Sir or Madam:

We write to appeal the Administrator's Decision dated January 16, 2015 denying our request for a service delivery deadline extension for FRN 2209847. The required information is as follows:

Contact Information	
Billed Entity Number	16057648
Applicant Name	Dr. Richard C. Izquierdo Health and Science Charter School
Contact Person Name	Paul Le
Contact Mailing Address	342 East 119 <sup>th</sup> St., Suite 3A New York, NY 10035
Contact Phone Number	347.772.8553
Contact Email Address (preferred)	<a href="mailto:erate@charterschoolincubator.org">erate@charterschoolincubator.org</a>

Appeal Information and Explanation	
Funding Year	2011
Application Number	Form 471 813343
Funding Request Numbers	2209847 – Internal Connections
Service Providers (SPIN)	Network Outsource, Inc., SPIN #143024572
Reason for Appeal	The school's circumstances fall within at least one reason that USAC grants extensions, that the "applicant or service provider requested an extension because the service provider was unable to complete delivery and installation for reasons beyond the service provider's control."
Relief Sought	Provide an implementation extension so that the school can complete its buildout.
Appeal Explanation	<b>Background:</b> Dr. Richard Izquierdo Health & Science Charter School (DRIHSCS) submitted an implementation extension request on September 29, 2014, principally



## DR. RICHARD IZQUIERDO HEALTH & SCIENCE CHARTER SCHOOL

DUARNA OLLER, BOARD CHAIR

ANTHONY LOPEZ, CEO

	<p>because it has not yet occupied the additional classrooms and offices that it would need in order for the service provider to complete delivery and installation.</p> <p>Because it resides in a public school provided by the New York City Department of Education, its authorizer, with two other high schools, space negotiations take place annually to address DRIHSCS's growth to a grade six through twelve school. At the time of our request in September 30, 2014, we have grown to grade ten.</p> <p>We had estimated that we would have occupied all of the necessary space by the service delivery deadline of September 30, 2014. However, space negotiations in May 2014 did not provide us with a full accounting of the classrooms and offices we would fully occupy so that the Priority 2 installations could take place in the summer of 2014.</p> <p>Rather, because of the movement of other schools within the building, DRIHSCS did not receive the 10 classes it anticipated and remains a total of 15 classrooms and approximately 5 offices. All of these rooms require cabling, wireless access points, and internet access that is fully covered under this FRN.</p> <p><b><i>Denial Reason:</i></b></p> <p>Despite these facts, the Administrator's Decision denied in full our request for an implementation extension with the explanation stating: "Current deadline guidelines and procedures do not allow approval for the reason submitted."</p> <p><b><i>Argument for Appeal</i></b></p> <p>1. USAC's guidelines and procedures allowed for an implementation extension for similar circumstances in the past. The challenge that we have with the Administrator's denial is that the school received an extension in FY2013 for a similar request. Please see USAC's January 20, 2014 Administrator's Decision which provided an extension to September 30, 2014.</p> <p>2. DRIHSCS made good faith and diligent efforts to resolve its space issue. That we made requests on the last days to file an implementation extension request does not signify a procrastination on deadlines. Rather, DRIHSCS had attempted over the summer and first month of school to secure as much clarity on its future space needs but the NYCDOE would not confirm any changes until May 2015 at the earliest. The September 29, 2014 request, much as the request the year prior, represents a bona fide effort to make known and then install cabling or wireless access points in rooms that would fall under our school's footprint.</p> <p>3. The service provider would not be allowed to install into classrooms and offices that the school does not occupy, especially because the exact classrooms</p>
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**DR. RICHARD IZQUIERDO HEALTH & SCIENCE CHARTER SCHOOL**

DUARNA OLLER, BOARD CHAIR

ANTHONY LOPEZ, CEO

	<p>and offices DRIHSCS would occupy are unknown. To that end, the inability to complete delivery and installation is fully beyond the service provider's and even the school's control.</p> <p>4. An extension would allow DRIHSCS to fully complete its buildout by September 30, 2015, obviating the need for Category 2 requests for years to come. In the summer of 2015, the school will request access to complete cabling in all planned classrooms and serve its 700 students.</p> <p>Because these classrooms still remain occupied by other high schools in the building, the school's vendor cannot complete the cabling work necessary to install wireless access points, drops, and phones in rooms the school will occupy at full growth.</p> <p>FRN 2209847 will address all of the school's network infrastructure needs and kindly requests a reversal of the Administrator's decision and provide the implementation extension to allow time to fully use all of the monies provided.</p>
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Table of Exhibits		
#	Exhibit	Importance
A	September 23, 2013	The school timely requests an implementation extension
B	January 20, 2014	USAC provides an extension until September 30, 2014
C	September 29, 2014	The school requests implementation extension, which was filed by the September 30, 2014 deadline
D	January 16, 2015	USAC administrator denies the school's request for implementation extension, citing "current guidelines and procedures"

Thank you for your consideration of this appeal. Please do not hesitate to contact me at [erate@charterschoolincubator.org](mailto:erate@charterschoolincubator.org) or (347) 772-8553.

Sincerely,

Paul Le  
Consultant

cc: Adam Mahoney, Network Outsource, Inc. (email)

# Exhibit F



**Universal Service Administrative Company**  
Schools & Libraries Division

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**Administrator's Decision on Appeal – Funding Year 2011-2012**

April 21, 2015

Paul Le  
Dr. Richard Izquierdo Health And Science Charter School  
342 East 119th St., Suite 3a  
New York, NY 10035

Re: Applicant Name: DR. RICHARD IZQUIERDO HEALTH  
AND SCIENCE CHARTER SCHOOL  
Billed Entity Number: 16057648  
Form 471 Application Number: 813343  
Funding Request Number(s): 2209847  
Your Correspondence Dated: March 17, 2015

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2011 Administrator's Decision on Implementation Extension Request Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision. If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 2209847  
Decision on Appeal: **Denied**  
Explanation:

- FCC Rules related to the payment of support for discounted services establish deadlines for service providers to deliver services/products to the applicant. The FCC provides an extension of this deadline under certain conditions. Those conditions are documented in the Reference area on the USAC website. (See Service Delivery Extensions for more information.) Your request did not provide information that satisfied those conditions.

Your appeal has not brought forth clear information establishing that those conditions were met but not considered. Therefore, your appeal is denied.

Since your appeal was denied in full, dismissed or cancelled, you may file an appeal with the FCC. Your appeal must be postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found under the Reference Area/"Appeals" of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division  
Universal Service Administrative Company

# Exhibit G



# INVICTUS PREPARATORY CHARTER SCHOOL

EXCELLENCE • INTEGRITY • COURAGE • DETERMINATION

March 17, 2015

## **Via E-Mail**

Schools and Libraries Program Correspondence Unit

Letter of Appeal

30 Lanidex Plaza West

PO Box 685

Parsippany, NJ 07054-0685

Re: Appeal of Administrator's Decision dated January 16, 2015 denying Implementation Extension Request for BEN 16063965, with associated FRNs 2235153, 2235199, 2235214 and 2235238 (from Form 471 820933)

Dear Sir or Madam:

We write to appeal the Administrator's Decision dated January 16, 2015 denying our request for an implementation extension for FRNs 2235153, 2235199, 2235214 and 2235238. The required information is as follows:

Contact Information	
Billed Entity Number	16063965
Applicant Name	Invictus Preparatory Charter School
Contact Person Name	Paul Le
Contact Mailing Address	342 East 119 <sup>th</sup> St., Suite 3A New York, NY 10035
Contact Phone Number	347.772.8553
Contact Email Address (preferred)	<a href="mailto:erate@charterschoolincubator.org">erate@charterschoolincubator.org</a>

Appeal Information and Explanation	
Funding Year	2011
Application Number	Form 471 820933
Funding Request Numbers	2235153; 2235199; 2235214; 2235238 – Internal Connections
Service Providers (SPIN)	Knight Nets, Inc/, SPIN #143007392
Reason for Appeal	The school's circumstances fall within at least one reason that USAC grants extensions, that the "applicant or service provider requested an extension because the service provider was unable to complete delivery and installation for reasons beyond the service provider's control."
Relief Sought	Provide an implementation extension so that the school can complete its buildout.
Appeal Explanation	<b>Background:</b> Invictus Preparatory Charter School opened in the Fall of 2011 and currently serves grades 5-8. Invictus shares space within a public school of the New York City Department of Education (NYCDOE), which requires two main



# INVICTUS PREPARATORY CHARTER SCHOOL

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conditions that have a direct effort on service delivery deadlines under the E-rate program: 1) its allocations of classrooms and offices are determined each year through a space allocation process; and 2) improvements to those classrooms, which includes the installation of wireless access points, cabling and other equipment eligible under Priority 2, must be approved by NYCDOE and its School Facilities and Space Planning divisions before any work can begin.

Invictus is also a school that is slated to grow eventually to a 5th through 12<sup>th</sup> grade middle and high school. Per its charter, the school adds one grade level each year until it reaches its full size in FY2019. As of FY2014, the school has added only grades 5 through 8. Because of public hearings held in its favor in October, the school can inhabit more classrooms and offices at its current address before being required to locate additional outside space. This requires that current space in the building operated by the other elementary and middle schools must vacate those rooms at the end of FY2014. Moreover, Invictus's chosen service providers cannot install or configure any equipment or drops until 1) the classrooms have been vacated and 2) NYCDOE has approved the installations themselves.

Given these facts, Invictus is scheduled to occupy at least 3 and possibly 10 more classrooms during the summer of 2015. The remaining funds available under the above-referenced FRNs will meet those needs, without the need to usurp limited funding available in FY2015 to public schools. It will also allow the school to better allocate resources in FY2018 or FY2019 to submit for Category 2 funding if needed.

To that end, Invictus submitted an implementation extension request on September 29, 2014, principally because it has not yet occupied the additional classrooms and offices that it would need in order for the service provider to complete delivery and installation.

***Denial Reason:***

Despite these facts, the Administrator's Decision denied in full Invictus's request for an implementation extension with the explanation stating: "Current deadline guidelines and procedures do not allow approval for the reason submitted."

***Argument for Appeal***

1. USAC's guidelines and procedures allowed for an implementation extension for similar circumstances in the past. The challenge with the Administrator's denial is that the school received an extension in FY2013 for a similar request. In between that request and the one dated September, 2014, the service provider only delivered and installed equipment into classrooms and offices for which Invictus has access. Please see **Exhibit B**. USAC's January 20, 2014 Administrator's Decision which provided an extension to September 30, 2014. The circumstances undergirding both requests are similar. However, in this



# INVICTUS PREPARATORY CHARTER SCHOOL

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	<p>request that has been denied, Invictus stands to receive all of its classroom allotments for the years moving forward.</p> <ol style="list-style-type: none"><li>2. The conditions described above that require vacancy of occupied classrooms and approval of installation requests prevent any service provider from completing installation and delivery, and therefore, it is completely out of the school's and service provider's control. Because these classrooms still remain occupied by other high schools in the building, the school's vendor cannot complete the cabling work necessary to install wireless access points, drops, and phones in rooms the school will occupy. Moreover, NYCDOE will not approve of any installations that are made in classrooms not yet occupied by the school.</li><li>3. An extension would allow Invictus to fully complete its buildout by September 30, 2015, obviating the need for Category 2 requests for years to come. In the summer of 2015, the school will request access to complete cabling in all planned classrooms and serve all of its students.</li></ol> <p>These FRNs will address all of the school's network infrastructure needs and as such, Invictus respectfully requests a reversal of the Administrator's decision and provide the implementation extension to allow time to fully use all of the monies provided.</p>
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Table of Exhibits		
#	Exhibit	Importance
A	September 23, 2013 Implementation Extension Request	The school timely requests an implementation extension
B	January 20, 2014 USAC Letter	USAC provides an extension until September 30, 2014
C	September 29, 2014 Implementation Extension Request	The school requests implementation extension, which was filed by the September 30, 2014 deadline
D	January 16, 2015 USAC Letter	USAC administrator denies the school's request for implementation extension, citing "current guidelines and procedures"

Thank you for your consideration of this appeal. Please do not hesitate to contact me at [erate@charterschoolincubator.org](mailto:erate@charterschoolincubator.org) or (347) 772-8553 for any additional documentation or information.

Sincerely,

Paul Le  
Consultant

cc: Richard Scauri and Robert Ordan, Knight Nets, Inc. (email)

# Exhibit H



**Universal Service Administrative Company**  
Schools & Libraries Division

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**Administrator's Decision on Appeal – Funding Year 2011-2012**

April 29, 2015

Paul Le  
NYCSI  
342 East 119th St., Suite 3a  
New York, NY 10035

Re: Applicant Name: INVICTUS PREPARATORY CHARTER SCHOOL  
Billed Entity Number: 16063965  
Form 471 Application Number: 820933  
Funding Request Number(s): 2235153, 2235199, 2235214, 2235238  
Your Correspondence Dated: March 17, 2015

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2011 Administrator's Decision on Implementation Extension Request Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision. If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 2235153, 2235199, 2235214, 2235238  
Decision on Appeal: **Approved**  
Explanation:

- Your appeal has brought forward persuasive information that this request should be approved. Since you have established circumstances beyond your named service provider's control that prevent you from meeting the established deadline for the delivery and installation of non-recurring services, you are granted an extension in accordance with the FCC Report and Order (FCC 01-195) released on June 29, 2001.

The last date to deliver and install the non-recurring service(s) has been changed to 09/30/2016. An Invoice Deadline Extension has been granted to 01/28/2017.

Note that, if recurring services are included in this FRN, those services must be delivered from 07/01/2011 to 06/30/2012. The new service delivery date does not affect recurring services.

In order to submit invoices in the future for non-recurring services, the applicant on the above-referenced FCC Form 471 may have to file a FCC Form 500 to amend the contract expiration date. This extension must be in accordance with state and local procurement laws and the terms of the original contract and must be approved prior to submitting an invoice.

If you believe there is a basis for further examination of your application, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be POSTMARKED within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division  
Universal Service Administrative Company